

(2013) 10 MP CK 0124

In the Madhya Pradesh High Court

Case No : Writ Petition No. 17407 of 2013

Smt. Sudha Devi Patel and Others

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 23-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0124

Hon'ble Judges : Rajendra Menon, J

Bench : Single Bench

Advocate : Atul Upadhyaya, for the Appellant; Rahul Jain, Government Advocate for State, for the Respondent

Final Decision : Disposed Off

Judgement

Rajendra Menon, J.—Petitioners claim to be working as Adhyapaks and it is their contention that they are entitled to grant of increment in accordance to the law laid down in the case of Smt. Usha Ranawat Vs. State of MP and others, passed on 18.12.2008, in W.A. No. 346/2008. Shri Rahul Jain, learned counsel for the State, points out that petitioners were initially appointed as Shiksha Karmis and thereafter as Sahayak Adhyapak and Adhyapaks and, therefore, they are not entitled to the benefit laid down in the case of Smt. Usha Ranawat (supra).

2. In the case of Smt. Usha Ranawat (supra), the following directions were issued by this Court:

19. In view of the foregoing discussion, the appeal filed by writ petitions succeeds and is allowed whereas writ appeals filed by the State are dismissed in limine. Impugned order of Single Bench is modified to the extent that appellant (writ petitioner) in addition to all benefits awarded by the Single Judge in the impugned order would also be entitled to claim arrears of his salary from the date of his initial appointment. In other words, the appellant will be entitled to claim the benefit of his pay fixation i.e. regular pay scale from the date of his initiate appointment. Let the calculation be made by respondents in the light of

appellant's date of initial appointment and accordingly, the arrears payable to appellant towards his salary be paid to him/her in each case, which are subject matter of these appeals within a period of 6 months from the date of this order.

3. Keeping in view the aforesaid, respondents are directed to examine the case of the petitioners in the light of the law laid down in the case of Smt. Usha Ranawat (supra) and thereafter decide the same within a period of three months.

4. However, if on such examination respondents find that petitioners are not entitled to the said benefit due to the fact that they were initially appointed as Shiksha Karmis or if they are entitled to the benefit after their appointment as Adhyapaks, action be taken in accordance to the requirement of law. Either way the claim of the petitioners be decided in accordance to law by a speaking order within a period of three months from the date of receipt of certified copy of this order.

5. With the aforesaid, the petition stands disposed of. Certified copy as per rules.